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December 8, 2020

By ECF

The Honorable Gabriel W. Gorenstein
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Chanel, Inc. v. The RealReal, Inc.; Civil Action No. 18-cv-10626-VSB-GWG

Dear Judge Gorenstein:

We represent Defendant TheRealReal, Inc. (“TRR”) in the above-referenced matter. We write in response to Chanel’s filing on Friday, December 4, 2020, purporting to provide “supplemental authority” relating to TRR’s motion to amend. Specifically, Chanel claims that Judge Stanton’s November 18, 2020 order in *Chanel, Inc. v. WGACA LLC*, No. 18-cv-2253-LLS denying defendant What Goes Around Comes Around (“WGACA”)’s request for additional discovery related to Farfetch UK Limited (“Farfetch”) is supplemental authority.¹ TRR is surprised that Chanel has gone out of its way to submit this “supplemental authority” when Judge Stanton’s order is both irrelevant and shows Chanel in a bad light for failure to comply with the terms of the WGACA court’s earlier order. *See* TRR ECF No. 86 at 4-5. Judge Stanton’s order in the *WGACA* litigation does not change that TRR’s motion to amend should be granted.

¹ Chanel filed its “supplemental authority” letter on December 4, 2020. The timing of Chanel’s filing is pure gamesmanship. Chanel’s counsel in the WGACA case is the same as in this litigation. Judge Stanton’s order is dated November 18, 2020, a day after Chanel filed its opposition brief in this matter. Chanel could have filed this letter at any time in the full week between Chanel’s filing of its Opposition and TRR’s filing of its Reply brief. Instead, Chanel waited until after TRR filed its reply. Moreover, Judge Stanton’s denial of discovery concerning Farfetch is not “new information” in the WGACA case: Judge Stanton first denied WGACA’s application for further discovery of Chanel’s relationship with Farfetch on August 17, 2020. *See* WGACA ECF No. 141.

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Chanel argues that Judge Stanton's order denying additional discovery related to Farfetch means that "TRR's claim of relevance here is likewise without merit." *See* TRR ECF No. 86 at 2. But WGACA did not and has not filed antitrust counterclaims in that case. The WGACA litigation involves only claims for trademark infringement, false advertising, deceptive business practices and false endorsement/unfair competition. *See* WGACA ECF No. 63. Thus, Judge Stanton's order has nothing to do with the claims TRR is seeking to file in this case. In any event, Chanel fails to mention that Chanel agreed to produce some discovery relating to Farfetch—a fact that Judge Stanton considered in denying further discovery relating to Farfetch. *See* WGACA ECF No. 141.

Respectfully,

/s/ Karen L. Dunn
Karen L. Dunn

cc: All counsel of record (via ECF)